

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

UBA T. SATTERFIELD,

Plaintiff,

vs.

DB HOME LENDING, LLC, ACE SECURITIES  
CORP HOME EQUITY LOAN TRUST, HSBC  
BANK USA N.A., TRUSTEE, AZTEC  
FORECLOSURE CORP,

Defendant.

Case No.: 2:11-cv-00366-RLH-RJJ

**ORDER**

(Motion to Dismiss-#5)

Before the Court is Defendant's **Motion to Dismiss and Expunge Lis Pendens** (#5, filed Mar. 10, 2011). Plaintiff has not filed an opposition.

**BACKGROUND**

This case arises out of Plaintiff's allegations that Defendant violated federal and state laws by engaging in wrongful foreclosure, fraud, and negligence. The allegations involve the real property located at 4336 San Gabriel Hill Avenue, Las Vegas, Nevada 89115. In June 2010, Plaintiff filed his complaint in the Eighth Judicial District Court for the State of Nevada. On March 9, 2011, Defendant removed the case to this Court based on federal question jurisdiction. On March 10, 2011, Defendant moved to dismiss Plaintiff's complaint for failure to state a claim upon which relief can be granted. In the same

1 motion, Defendant requested that the court expunge a lis pendens the Plaintiff recorded on the property.  
 2 For the reasons discussed below, the court grants the Defendant's Motion to Dismiss and Expunge Lis  
 3 Pendens.

#### 4 DISCUSSION

##### 5 I. Motion to Dismiss for Failure to Respond

6 If one party files a motion to dismiss pursuant to Rule 12(b)(6), the party against whom that  
 7 motion is filed must file points and authorities in opposition to that motion within fifteen (15) days after the  
 8 service of the motion. Local Rule 7-2(b). The failure of a party to file points and authorities in  
 9 opposition to any motion constitutes consent to the Court's grant of the motion. LR 7-2(d). Moreover,  
 10 failure to follow the district court's local rules is a proper grounds for dismissal. *Ghazali v. Moran*, 46  
 11 F.3d 52, 53 (9th Cir. 1995). Pursuant to this Court's minute order (#7, filed Mar. 11, 2011), any  
 12 response to Defendant's Motion to Dismiss was to be filed and served within fourteen days.  
 13 Accordingly, Plaintiff was to file a response by March 25, 2011. Plaintiff is in violation of LR 7-2(b)  
 14 because an opposition has not been filed and it is now August 2011. Therefore, the Court grants  
 15 Defendant's Motion to Dismiss and Expunge Lis Pendens.

#### 16 CONCLUSION

17 Accordingly, and for good cause appearing,

18 IT IS HEREBY ORDERED that Defendant's Motion to Dismiss and Expunge Lis  
 19 Pendens (#5) is GRANTED.  
 20

21 DATED this 28<sup>th</sup> day of July, 2011.

22  
 23   
 24 ROGER L. HUNT  
 25 United States District Judge  
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